



**Final Decision Pursuant to AS 38.35.100  
for the  
Kenai Kachemak Pipeline, ADL 228162**

**INTRODUCTION**

Under the Alaska Right-of-Way Leasing Act, the Commissioner of the Department of Natural Resources is charged with deciding whether an applicant is fit, willing and able to perform the transportation or other acts proposed in a manner that will be required by the present or future public interest. The purpose of this Final Decision is to determine whether Kenai Kachemak Pipeline, LLC satisfies this standard for the proposed Kenai Kachemak Pipeline.

The public comment period on the Commissioner's Analysis and Proposed Decision for the Kenai Kachemak pipeline application (ADL 228162) ended on November 14, 2002. A Public Hearing was held in Soldotna on November 13, 2002. No testimony was given at the hearing. Four written comments were received by mail; one from an individual, Representative Ken Lancaster, and three from governmental entities, the Soldotna Chamber of Commerce, the Kenai Chamber of Commerce and the Kenai Peninsula Borough. All four comments supported approval.

**DECISION**

My analysis has not changed. As required by AS 38.35.100, on the basis of the entire record developed to date, I determine that the applicant is "fit, willing and able" to perform all of the acts proposed by the Kenai Kachemak Pipeline right-of-way lease application in a manner required by the present or future interests as set forth in AS 38.35.100.

The analysis and proposed decision for the Kenai Kachemak Pipeline, dated October 9, 2002, is attached and made a part of this document. The Kenai Kachemak Pipeline, LLC will be offered right-of-way lease, ADL 228162.

This is the final agency decision. To the extent that judicial review is permitted by AS 38.35.200, the decision is appealable within 30 days to the superior court pursuant to Part VI of the Rules of Appellate Procedure.

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Pat Pourchot, Commissioner  
Alaska Department of Natural Resources

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Date

Attachment: Kenai Kachemak Pipeline Commissioner's Analysis and Proposed Decision and Action (ADL 228162)